

# Prison conditions in France

*Marie Crétenot, Barbara Liaras*

European Prison Observatory. Detention conditions in the European Union



With financial support from the  
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**PRISON CONDITIONS IN FRANCE**

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## THE EUROPEAN PRISON OBSERVATORY

The European Prison Observatory is a project coordinated by the Italian Ngo Antigone, and developed with financial support from the Criminal Justice Programme of the European Union. The partner organizations are:

Università degli Studi di Padova - Italy

Observatoire international des prisons - section française - France

Special Account of Democritus University of Thrace Department of Social Administration (EL DUTH) - Greece

Latvian Centre for Human Rights - Latvia

Helsinki Foundation for Human Rights - Poland

ISCTE - Instituto Universitário de Lisboa - Portugal

Observatory of the Penal System and Human Rights - Universidad de Barcelona - Spain

Centre for Crime and Justice Studies – United Kingdom

The European Prison Observatory studies, through quantitative and qualitative analysis, the condition of the national prison systems and the related systems of alternatives to detention, comparing these conditions to the international norms and standards relevant for the protections of detainees' fundamental rights.

The European Prison Observatory highlights to European experts and practitioners 'good practices' existing in the different countries, both for prison management and for the protection of prisoners' fundamental rights.

Finally it promotes the adoption of the CPT standards and of the other international legal instruments on detention as a fundamental reference for the activities of the available national monitoring bodies.

[www.prisonobservatory.org](http://www.prisonobservatory.org)

## PRISON CONDITIONS IN EUROPE

The collection and organization of available data on the penitentiary systems of each country has been coordinated by the Università degli Studi di Padova, that developed and tested a comprehensive data collection grid to collect the information required to describe the different national penitentiary systems. The data collection grid has been developed having in mind as main reference the European Prison Rules (Council of Europe. Recommendation Rec(2006)2. Adopted on 11 January 2006), and the informations collected in every country monitored by the Observatory, and presented in these Reports on prison conditions, describe every national penitentiary system, focusing in particular on its compliance with the European Prison Rules.

The research activities have been carried out by the project partners, that drafted a report on prison conditions in their country. Further information and all the national reports can be found on the project website.





## GENERAL DATA\*

\*updated to December 2012 for daily data and to the entire 2012 for flow data

1. **Total population of the country:** 65.586.000 (31 December 2012) - INSEE - National Institute for Statistics and Economic Studies.
2. **Total prison population rate per 100,000 inhabitants:** 101,5 (31 December 2012) INSEE (National Institute for Statistics and Economic Studies) & Direction of Prison Administration (DAP)

### Adult prisons<sup>1</sup>

3. **Number of prisoners (including pre-trial detainees):** 65.848
4. **Number (and % of the total number of inmates) of detainees serving a final sentence (i.e. excluding pre-trial detainees):** 49.790. 75,61%.
5. **Total capacity of penal institutions (with reference to legal criteria. If legal criteria are not available explain the reasons for this lack of information):** 57.127
6. **M<sup>2</sup> provided per prisoner (legal criteria):** There are no legal criteria. However, a circular from the prison administration provides that a individual cell must have a minimum surface of 9 square meters, while:
  - a two-person cell must have a minimum surface of 11 square meters
  - a three-person cell must have a minimum surface of 14 square meters
  - a four-person cell must have a minimum surface of 19 square meters
  - a five-person cell must have a minimum surface of 24 square meters
  - a six-person cell must have a minimum surface of 29 square meters
7. **Actual surface for prisoner (m<sup>2</sup>) (i.e. m<sup>2</sup> available divided per total number of prisoners):** The Ministry of Justice never calculated this datum. It is impossible for us to calculate it, as we don't know the overall surface of the cells in all the prisons. We asked these data to the Ministry of Justice but we did not get (despite a court order).
8. **Prison density – total number of prisoners in relation to capacity (%):** 117,80%.

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<sup>1</sup> All data come from the Ministry of Justice, except when a different source is explicitly mentioned.

9. **Number of foreign prisoners (and % of the total number of inmates):** Not available for adults only. 13.821 at all. 18 %.
10. **Number of foreign pre-trial detainees (and % of the total number of inmates):** NA
11. **Number (and % of the total number of inmates) of female detainees:** 2.203 - 3,4%
12. **Number of female foreign inmates:** Not available for adults only. 605 at all.
13. **% of female foreign prisoners of the total number of female prisoners:** Not available for adults only. 22,3%.
14. **% of female foreign prisoners of the total number of foreign prisoners:** Not available for adults only. 4,4 % at all.
15. **Number of prisoners (including pre-trial detainees) between 18 and 20 (inclusive) years of age (and % of total prison population):** 5.376. (males: 5.221; female: 155) - 7%.
16. **Total number of entries to prison facilities:** 90.982.
17. **Total number of deaths in penal institutions (specify if this datum includes only the detainees who died inside the prisons or if it also includes those who died outside the prisons – for example, in ambulances, in hospitals etc.):** 71 natural death.
18. **Total number of suicides in penal institutions (specify if this datum includes only the detainees who died – from suicide – inside the prisons or if it also includes those who died outside the prisons – for example in ambulances, in hospitals etc.):** 123 suicides.
19. **Budget for the Justice System and % of Gross Domestic Product:** 7,70 billion Euro in 2013. Representing 0,37% of Gross Domestic Product.
20. **Specific budget aimed at penal institutions and % of the previous:** 1 billion Euro in 2013 for the conduct of criminal policy and criminal trials.  
602 M€ in 2013 for the implementation of judicial decisions for juvenile offender.  
3,2 billion Euro in 2013 for the prison administration (representing 41,5 % of the budget for the Justice System).  
All representing 62,3 % of the budget for the Justice System (0,2 % of Gross Domestic Product).
21. **Specific budget for staff and % of budget for penal institutions:** 737 M€ in 2013 for the conduct of criminal policy and criminal trials (only staff).  
353 M€ in 2013 for the implementation of judicial decisions for juvenile offender (only staff).  
Nearly 2 billion Euro in 2013 for the prison administration (only staff), representing 62% of budget for prison administration.  
All representing 39 % of the budget for penal institutions.

- 22. Specific budget for prison facilities and % of budget for penal institutions:** 466 M€ in 2013, representing 14,6% of budget for prison administration.
- 23. Specific budget for inmates (support, activities, etc.) and % of budget for penal institutions:** 370 M€ in 2013, representing 11,6 % of budget for prison administration.

### Juvenile prisons

- 24. Number of juvenile prisoners (including pre-trial detainees):** 724
- 25. Number (and % of all juvenile inmates) of juvenile detainees serving a final sentence (i.e. excluding pre-trial detainees):** 285 - 39,4 %.
- 26. Total capacity of juvenile penal institutions (with reference to legal criteria):** 1.098
- 27. M<sup>2</sup> provided per juvenile prisoner (legal criteria):** NA.
- 28. Actual surface available per juvenile prisoner (m<sup>2</sup>) (i.e. m<sup>2</sup> available divided per total number of prisoners):** NA.
- 29. Prison density – total number of juvenile prisoners in relation to capacity (%):** 66%
- 30. Number of foreign juvenile prisoners (and % of the total number of juvenile inmates):** NA.
- 31. Number of foreign juvenile pre-trial detainees (and % of the total number of juvenile inmates):** NA.
- 32. Number (and % of the total number of juvenile inmates) of female juvenile detainees:** 22 - 0,8% (*1<sup>st</sup> October 2012*).
- 33. Number of female juvenile foreign inmates:** NA.
- 34. % of female juvenile foreign prisoners of the number of all female juvenile prisoners:** NA.
- 35. % of female juvenile foreign prisoners of the total number of juvenile foreign prisoners:** NA.
- 36. Number of prisoners (including pre-trial detainees) between 18 and 20 (inclusive) years of age (and % of total juvenile prison population):** 5.351 - 7% (*1<sup>st</sup> October 2012*).

- 37. Total number of entries to juvenile prison facilities: NA.**
- 38. Total number of deaths in juvenile penal institutions (specify if this datum includes only the detainees who died inside the prisons or if it also includes those who died outside the prisons – for example, in ambulances, in hospitals, etc.):0**
- 39. Total number of suicides in juvenile penal institutions (specify if this datum includes only the detainees who died inside the prisons or if it also includes those who died outside the prisons – for example in ambulances, in hospitals, etc.):0**

## GENERAL DESCRIPTION OF THE FRENCH PENITENTIARY SYSTEM

The French prison system falls under the Ministry of Justice. It is governed by an Act of 1987, amended in November 2009. Before the reform, most of the rules for prisoners and operation of prisons were lower level regulations.

By law, the enforcement of sentences should enhance “integration or reintegration of prisoners and the prevention of recidivism, in due respect of the interests of society and the rights of victims.” In principle, the system of prisons should be turned towards reintegration. However, the guarding mission entrusted to the prison administration still takes precedence over this. The external contacts are considered a source of danger, as well as any form of collective expression of detainees.

There are 190 prisons spread across the French territory (main and overseas territories). They are divided into several categories:

- juvenile facilities, for minors (6)
- remand prisons (*maisons d'arrêt*), for persons on remand and sentenced to less than two years (98)
- security prisons (*maisons centrales*), provided for long term prisoners, that is to say over 10 years (6)
- detention centers (*centres de détention*), facilities for sentenced to medium sentences (25)
- day-leave centers (*centres de semi-liberté*), facilities for persons receiving a sentence adjustment (11).

Moreover, the *centres pénitentiaires*, include several categories: remand prison and detention center, and where applicable, security prison or day-leave center (44). This type of "hybrid" structures tend to develop. The latest prisons are virtually all *centres pénitentiaires*.

The size of prisons varies considerably. The smallest has an accommodation capacity of 10, the largest 3.000. And, on average, they vary between 100 and 600 places, depending on their construction year.

About half of the institutions dates from the 19th or the beginning of the century. It is sometimes former religious premises (convents, abbeys, etc.) that have been converted in prison. These facilities are generally located in the heart of cities. The others were built at the end of 1980's or more recently (2000s to present). These prisons are larger (300-400 places for those constructed in the 80's and 500-600 places for the most recent) and usually located on the outskirts of cities (industrial zones, etc.) with poor access by public transportation. They are also designed so as to limit contact between inmates, but also between inmates and prison staff in a security perspective. Any movement within the prison implies crossing a multitude of gates and locks. These new buildings are decried by all (prisoners, prison staff, external stakeholders, etc..) To prevent any form of social life and thus causing tensions and violence.

These prisons built since the late 80s also fall under the "joint management": services such as laundry, food, work, vocational training, etc. are delegated to private companies. More recently, the delegations also extended to the construction and maintenance of buildings. The private companies own the buildings for a 27 years period, during which the government pays rent.

Since the early 2000s, there is also a change of the daily regime in institutions reserved for medium and long terms prisoners. The common regime used to be an "open (cell)doors" system, being replaced by a "closed system" as in remand prisons. Inmates can not leave the cell unless accompanied by a

member of staff and to attend a scheduled activity. The "open" systems are tolerance granted to those who demonstrate what the administration deems a "good behavior". Finally, only two prisons are entirely reserved for women. In other cases, women are placed in specific unit within men prisons (about 50 institutions concerned).

## CONDITIONS OF IMPRISONMENT

### ADMISSION

**a. At admission many details concerning the prisoner shall be immediately recorded (for example, the identity of the prisoner, the reason for commitment, etc.). What kinds of data are recorded? Among the information collected are any visible injuries and complaints about prior ill-treatment also recorded?**

When a person first enters prison, several details will be recorded: his identity (first name, surname, date of birth), his physical attribute and fingerprints, as well as details relating to the reasons for his imprisonment. Staff must also request and record the details of any other person to be notified in an emergency. All those information will be recorded on a single document (called “*fiche d’écrou*”). As for injuries, while it is not compulsory to keep record of any visible injuries or complaints about prior ill-treatment, if a person is injured upon arrival, the prison’s healthcare service will usually be informed. Furthermore, the law requires physicians to examine newly admitted prisoners ‘as soon as possible’, thus giving them the opportunity to attest to any injuries they detect within a medical certificate, which they can then hand over to the prisoners. In every prison there should be a section for new arrivals where particular attention is given to new arrivals. They’re supposed to stay there three weeks in individuals cells. But, in fact, because of the overcrowding, they often stay less time (one week or only few days), sometimes two per cell. And some prisons (about 20%) do not have these sections for new arrivals.

**b. At admission all prisoners shall be informed in writing and orally, and in a language they understand, of the regulations governing prison discipline as well as of their rights and duties within prison. Do the institutions in France follow this rule?**

As stated by a law on sentencing and prisoners’ rights that was enacted the 24<sup>th</sup> on November 2009, prisoners must, upon their arrival at the prison, be informed about the distinctive characteristics of the concept their detention will be based on, as well as be informed of their rights, their obligations and the legal remedies open to them. To this end, prisoners shall receive a booklet and shall, in addition, be given the same information orally, within 48 hours of their arrival, by the prison warden or one of his deputies, assisted if needed by an interpreter. That being said, due to a shortage of interpreters, prisoners who do not speak French will often simply receive a leaflet translated in a language they might understand, detailing the prison’s rules and procedure (English, Arabic, Spanish, Portuguese, Russian, Romanian). While a version of this leaflet is available in French and will be distributed to French speaking detainees, to this date, no Braille version can be found.



**c. Upon admission to prison, in the event of a prisoner's death, serious illness, serious injury, or the transfer to a hospital, the authorities shall, unless that prisoner expressly requested them not to do so, immediately inform the spouse or partner of the prisoner, or, if the prisoner is single, the nearest relative or any other person previously designated by the prisoner. Do the institutions in France follow this rule?**

At admission, a prisoner will be asked to provide the prison with the emergency contact of his choice. According to regulations emanating from the penal directory, that person shall be informed, as soon as possible, of any serious injury, illness or death. However, the prison will frequently derogate to this obligation, especially when a prisoner's stay in the hospital is relatively short. Furthermore, the information given to the emergency contact persons can be vague, even in the event of prisoner's death.

**d. As soon as possible after admission, the information about the health of the prisoner on admission shall be supplemented by a medical examination (in accordance with rule 42 of EPR). Does this examination really happen in France? How long does it take for the medical examination to be accomplished?**

Prisoners must have been given to opportunity to meet with a doctor on the day of their admission into the prison, or on the next day at the latest. According to regulations, this medical examination, must enable the detection of any contagious or chronic diseases, as well as putting in place appropriate measures, particularly in tackling with addicted prisoners, and ensure a continuity of care for those who were already undertaking therapy before their arrival within the prison.

**e. In French prisons are there measures in place aimed at the prevention of prisoner self-injury and suicide?**

The measures put in place to prevent suicide or self-injury amongst prisoners mostly aim to stop them from taking action (to the detriment of measures aiming at understanding the causes of prisoners' suffering): special surveillance of prisoners identified as fragile (multiplication of patrols, lighting of the cells at night to ascertain that the inmate is alive); appointment of a cellmate if the fragile inmate doesn't already have one; in case of "acute suicidal crisis", the inmate can be placed in a "smooth" cell, that has no hooks or attachment points (for 24H maximum) ; the prisoner's clothes may be replaced with paper pyjamas and he/she may be given tear proof blankets, whether kept in a "smooth" cell, in the disciplinary area or in the isolation area.

Guidelines have been drawn and distributed to staff in order to help them evaluate the risk of "suicidal potential". Also, since March 2010, an experiment is being led in 10 prisons, where some inmates are trained to provide support to other suffering inmates (peer support). The mission of these trained inmates is to identify and to listen to suffering inmates, and even to welcome the suffering inmate in their own cell in order to provide him/her with a reassuring presence. This ongoing experiment has been subject to criticism, because of the heavy responsibility that is put onto the trained inmates.

In 1996, a group of experts for suicide prevention in jails said that it's illegitimate and ineffective to force inmates not to injure themselves. To the contrary, he advocated to allow detainees to be involved in life, to have more responsibility and recommended more open community life. But, thereafter, these guidelines have been abandoned.

**f. In French detention facilities are there some sections used for solitary confinement of the prisoners? What is it used for (for example, punishment, protection etc.)? Are there different kinds of solitary confinement?**

An area for solitary confinement exists in each and every prison. Inmates can be sent to solitary confinement:

- either as a sanction, pursuant to a disciplinary procedure. In this case, inmates are sent to the "disciplinary area" (max 30 days for adults, 7 for children over 16 years), made of individual cells in which inmates are confined 23H out of 24H (1H of walking/exercise, alone). Inmates may however receive up to one visitor per week in the visiting room, and they may also have visits from their lawyer. The 9m<sup>2</sup> cells have no more furniture than a bed, a small table for eating, a washbasin and a toilet that is not separated from the rest.

- either pursuant to a decision of the administration, for reasons regarding security and protection of people ("dangerousness", "particular vulnerability"). In this case, inmates are sent to the "isolation area", made of individual cells that are set to be like any other normal cell. In practice however, you may generally find that over the usual bars, windows are equipped with wiring netting or opaque window panes. Inmates in isolation confinement are not allowed any contact with other inmates. They have the right to one hour of walking/exercise/promenade per day, alone. They may receive visits in the visiting room. In principle, an inmate cannot be maintained in isolation confinement for a period exceeding two years. In practice however, some remain almost continually, for over six years or even 12 years.

Solitary confinement could also take place in the prisoner's cell as a sanction, pursuant to a disciplinary procedure; but this possibility is rarely used due mainly to overcrowding.

## ALLOCATION AND ACCOMMODATION

**a. Prisoners shall be allocated, as far as possible, to prisons close to their homes or places of social rehabilitation. Allocation shall also take into account the requirements of continuing criminal investigations, safety and security and the need to provide appropriate regimes for all prisoners. Does this happen in France?**

A distinction is made between remand prisoners and sentenced prisoners. In principle, remand prisoners are incarcerated in the prison that is closest to the court in charge of their case, regardless of the prisoner's place of residence. For sentenced prisoners, the necessity of maintaining family ties must be taken into account (the institution must be as close as possible to the place of residence of the prisoner's relatives, in order to help him maintain social bonds and to make social rehabilitation easier). However, the prisoner's place of residence is not the only criterion. The administration may decide to consider and give priority to other criteria: "dangerousness" of the person, need for specific or sustained psychiatric or psychological care (- sexual offences for example), etc. In these cases, the prison might be quite far from the inmate's former living place. Some prisons are more secure than others (they are mainly intended for prisoners serving long sentences or for prisoners serving average sentences that raise concerns over security issues); some other prisons are meant to provide specialized care for sexual deviances. Aside from these specificities, prisons are not, in principle,

specialized institutions - except, as appropriate, for reasons related to age or sex (prisons for juveniles and for women). Some research shows that more than a quarter of the visitors live more than 100 kilometers (sometimes 300 km) from the place where their loved ones are incarcerated. In addition, less than two prisons is served by public transportation at all hours of the parlor, and nearly one out of three is not serve at all.

**b. As far as possible, prisoners shall be consulted about their initial allocation and any subsequent transfers from one prison to another. Does this happen in France?**

No rule requires that the inmate's opinion shall be collected, unless the inmate is juvenile. However, where the transfer to an institution with a less favorable detention regime is considered, the inmate's opinion must be collected. In practice, this is a pure question of form. In addition, inmates may always ask to be posted to another given prison, for example to carry out a training that is not provided in the prison they are currently in. The administration is not bound to give a positive response to such a request. In practice, it often happens that the administration responds favorably, when there is the availability. On the other hand, where the inmate is juvenile, his/her opinion as well as his/her parents' (or guardians') opinion must systematically be collected as concerns the first place where he/she will be posted. These opinions don't have to be collected anymore as concerns later changes in the prison location.

**c. Do the accommodations of penitentiary institutions respect human dignity and, as far as possible, privacy, as well as meet the requirements of health and hygiene, with due regard being given to climatic conditions and especially to floor space, cubic air space, lighting, heating and ventilation?**

Many prisons are old and do not give satisfying detention conditions, especially when it comes to hygiene and privacy. Cells are dilapidated; the restroom is not walled or separated from the rest of the cell. The ventilation devices can sometimes be inadequate. Most of the time, metal railings are put on the windows to avoid projections, but, in addition to the bars, it prevents the light from coming in. Besides, some prisons are invaded by rats or insects. Moreover, whether the prisons are old or not, overpopulation in remand centers (2 to 3 persons in the one-person cells, which also means that they put mattresses on the floor) jeopardizes the respect of privacy and the principle of dignity. The administrative jurisdictions often condemn the State because of the non-respect of the principle of dignity, given those conditions of detention. And recently (April 2013) France have been condemned by the European court of human rights for inhuman and degrading treatment because of the conditions of detention imposed on a detainee in an overcrowded prison.

**d. In all buildings where prisoners are required to live, work or congregate, are there alarm systems that enable prisoners to contact the staff without delay?**

Such a device only exists in the cells. In principle and in all prisons, the cells must be equipped with an intercom and/or with a light signal device enabling prisoners to contact a member of the surveillance staff at all times. In practice however, only about half of the prisons are equipped with such devices. Moreover, these devices are not always in working condition. Besides, even when in working condition, the device doesn't always enable an immediate contact with a member of the staff, as the latter might be busy or might not want to answer. Some inmates have complained about the fact that certain staff members do not take the call, hang up immediately or disconnect the intercom. Thus, it often happens that inmates hammer at the door long before a member of staff intervenes. The night, the intervention

of emergency services could be also complicated by the fact that only the officer on duty has the key cells. When it is necessary to contact the officer to his home to get the key, the response time can be significant in terms of what is required by the state of health of the person.

**e. Prisoners shall normally be accommodated in individual cells during the night, except where it is preferable for them to share sleeping accommodations. Does this happen in France?**

A distinction is made between institutions that are meant for prisoners sentenced to more than two years of imprisonment ("*établissement pour peines*" / "sentence facility") and institutions meant for remand prisoners and prisoners sentenced to less than two years of imprisonment or whose sentence remainder is of less than one year ("*maison d'arrêt*" / "remand prison"). In sentence facilities, inmates are accommodated in individual cells, unless they wish to have a cellmate or if the administration considers that "the inmate's personality justifies that in his/her interest he/she neither must nor be left alone (suicidal risk)". In remand prisons, the principle is that inmates should be accommodated in individual cells. The law however provides that it is possible to derogate from this principle when the premises are inadequate or when there are too many prisoners. In reality, 2 to 3 inmates share cells that were designed for one person. The chances of having an individual cell in a remand prison are exceptional. Now 68% of prisoners are incarcerated in remand prisons (1<sup>st</sup> January 2013). remand prison density is of 133,5% at national level. Some even show a density rate of over 200%, reaching up to 296%.

**f. Are untried prisoners separated from sentenced prisoners?**

Some prisons are meant for sentenced prisoners ("sentence facilities") while others are meant for remand prisoners ("remand prisons"). However, remand prisons may also welcome sentenced prisoners, when they have been sentenced to less than two years of imprisonment or when their sentence remainder is of less than one year (in practice, prisoners sentenced to more than two years may also be found in remand prisons, where they wait until room becomes available in a sentence facility). Thus, on the 1<sup>st</sup> of January 2012, out of the 43.929 inmates incarcerated in a remand prison, 27.650 were sentenced prisoners - about 62%. Out of these sentenced prisoners, 20% had been sentenced to more than two years of prison. In theory, where an institution welcomes both remand and sentenced prisoners, the two groups must be separated and placed in different units of the prison. According to prison administration, this separation is effective in 87% of remand prisons (1<sup>st</sup> January 2012). In practice however and due to overcrowding, the separation rule is not always respected.

**g. Are male prisoners separated from females prisoners?**

Men and women prisoners are always kept separately: some prisons only accommodate females or men prisoners, while others will accommodate both, but have separated units for men and women. In this case, steps are taken to prevent females and men prisoners to ever be in contact with each other. That being said, a law passed in 2009 has allowed mixed gender prisons to organised activities gathering males and females, on an experimental basis, and on the condition that it does not undermine security or order within the prison. As of now, those types of experiments are rare, even though they have been more frequent since 2011.

**h. Are young adults prisoners separated from older prisoners?**

No rule provides that young adult prisoners must be placed in a different unit than the rest of prisoners. However, the heads of institution must see to it that no inmate coming of age during detention and under the age 21 years old shares a cell with an older prisoner. In practice and due to overcrowding of remand prisons, this rule is not always respected. Moreover, there are four prisons (only remand prisons) in which young adults (under 21 years old) are posted in the juvenile units. Such units are called "center for young inmates".

## HYGIENE

**a. When prisoners are admitted to prison, the cells or other accommodation to which they are allocated shall be clean. Does this happen in France?**

Depending on the regulations, cells and places of detention in general, must be clean and must respect the rules of hygiene. Moreover, when the occupiers change, cells must be cleaned. However, because of the state of dilapidation of some prisons and the overpopulation in remand centers, this rule is far from being always respected. One can often find dirty or dilapidated cells (eroded paint, dirty toilets, etc.) In fact, prisoners clean their own cells. They should be given what is needed to keep it clean; but this is often insufficient. So they have to buy cleaning products.

**b. Prisoners shall have ready access to sanitary facilities that are hygienic and respect privacy. Does this happen in France?**

Rules and regulations provide that the conditions of detention must meet minimum health and safety standards. Moreover, they stipulate the prisons must protect the dignity of all prisoners. Hence, in theory, sanitary installations should meet the requirements of health and safety regulations and allow prisons have some sort of privacy within the prisons. However, most facilities violate those standards, especially the older ones. Showers, that are mainly collective, are dirty, dilapidated, have poor ventilation and mould. Those deficiencies could potentially lead administrative courts to convict administration for violation of the principle of respect for human dignity. Moreover, privacy is scarce within the prison, especially as there are usually no doors separating toilets within the prisons cells, forcing prisoners to build home made partitions with towels, cardboards or clothes. In the French equivalent of solitary confinement (called disciplinary cells), the toilets will even be situated in the middle of the room.

**c. Do prisoners have access to a bath or shower, at a temperature suitable to the climate, daily, if possible, but at least twice a week (or more frequently if necessary) in the interest of general hygiene?**

Regulations provide that prisoners should be able to shower three times per weeks, in addition to one time after a sport session, after work or class. However, depending on the prisons, the frequency of showers will vary. In the newest prisons, individual showers were built within the prison cells, enabling prisoners to shower daily. But those facilities hold only 22% of the prison population and in other prisons, the showers are collective, and outside the cells. In those prisons, the three showers' requirement is usually met, but not all them will be able to fully accommodate for the possibility of additional showers, especially those that are the most overpopulated. Some prisons have organised

time slots, during which prisoners can get to the showers without having to ask a member of staff, while in other prisons, groups of prisoners will be collectively escorted to the showers by prison guards at a predetermined time. Prisoners often complain about the temperature of the water, but mainly, they criticise the dilapidated state of the showers in which mould is frequently found because of poor ventilation.

**d. Do prison authorities provide inmates with the necessary means to maintain personal hygiene and sanitation, including toiletries and general cleaning implements and materials?**

According to regulations, toiletries kit must be provided to all new prisoners. In theories, it must include: soap, shampoo, toothbrush, toothpaste, shaving cream, disposable razors and a roll of toilet paper. Once they are used up, prisoners will have to purchase all those items themselves, apart from toilet paper and soap that will be provided for by the prison. That being said, the prison service will renew the entire toiletries kit for free for prisoners who's income is less than 50 euro per months.

As for the maintenance of the cell, prisoners must be distributed cleaning products. However some facilities take longer than others to supply prisoners with those products so that it is not unusual that prisoners will end up buying their own products.

## CLOTHING AND BEDDING

**a. Prisoners who do not have adequate clothing of their own shall be provided with clothing suitable for the climate. Does this happen in France?**

The penal service must provide clothes, including underwear's and socks, to any prisoner that makes a request at the time of his admission. Moreover, at admission, prisoners should receive a package containing a change of clothes, especially when it appears that their own clothing are inappropriate for the season. That being said, unequipped prisoners are not systematically provided for and the package distributed often contains no more than new underwear's. During their imprisonment, destitute prisoners can request free clothing, adapted to the weather. Those clothes are often those that were provided for by charities.

**b. Is this clothing degrading and humiliating?**

Clothing The prison uniform was abolished in 1983. Hence, today penal institutions supply prisoners with "normal" clothes. They must be clean and in good state, which they usually are. However, prisoners that cannot buy their own clothes and must rely on what is given to them by the prisons will often be stigmatised as a result, because of their financial situation.

## NUTRITION

**a. Prisoners shall be provided with a nutritious diet that takes into account their age, health, physical condition, religion, culture and the nature of their work. Does this happen in France?**

Rules and regulation stipulate that prisons must provide each prisoner with a diversified diet, well cooked and presentable meals, which meet guidelines regarding nutritious need (in term of quantity and quality) and standards for food hygiene. The meals provided must take into account a prisoner's age, health, the type of work he does during the day, and, as far as possible, his religious and philosophical beliefs. In reality, the portion served are sometime insufficient, and of poor quality. Hence, prisoners who can afford it will often supplement the meals provided. Moreover, the meals do not accommodate well the different diets of the prisoners. While the prisons will usually provide vegetarian or pork-free meals, it does not provide halal nor kosher meals. Moreover, the portions distributed do not vary according to the nature of a prisoner's work. In a note, the "*Conseil national de l'alimentation*" (an administrative authority that deals with matters of food and diet) pointed out that providing standardized meals to all prisoners is unsuitable, especially considering the diverse nutritious needs prisoners might due to their age difference. That being said, in addition of the three standards meals, prisoners under 21 years old are served an afternoon snack. As for special diet required for health reasons, they will only be provided for on a doctor's order, and even when a prescription is supplied, the cooking staffs do not always respect those diets.

**b. How many meals a day are prisoners served? How many of those are warm meals?**

For prisoners over 21 years old, three meals a day are supplied. Additionally, an afternoon snack will be served for those under 21, although it will generally be distributed at the same time as prisoners' lunches. Hot meals are usually served for lunch and dinner although by the time prisoners receive them they might have cooled down because of the difficulties in circulating within prisons. The administration allots less than four euros per prisoner for the three daily meals.

**c. How are the requirements of a nutritious diet decided?**

In theory, the penal service will concoct the food menus with the help of a dietician, consulted to that effect. Those menus must then be disclosed to every prison's healthcare service. However, this information is not of much use as the medical personnel rarely involve themselves in those matters.

## LEGAL ADVICE

**a. Is there a recognized scheme of free legal aid?**

A free legal aid scheme exists in France. Prisoners are eligible for legal aid if they request legal assistance in preparation of, and at a disciplinary hearing. Moreover, as any ordinary citizens, prisoners can be eligible for legal aid, if they meet the legal requirements, when they wish to appeal any administrative or judicial decision: that is when their revenue are assessed to be under a predetermined threshold (929 euro per months in 2013 or 1.096 euro for a household).

**b. Where there is a recognized scheme of free legal aid, do the authorities bring it to the attention of all prisoners?**

Information about legal aid are detailed in the booklet provided to every prisoners at admission. Those information will sometime also be incorporated within the internal rules and procedures of the



prisons. However, the revenue thresholds for legal aid (a requisite outside case of disciplinary hearings) are not specified in any of those documents.

**c. Are the consultations and other communications (including correspondence about legal matters) between prisoners and their legal advisers confidential?**

Communication between prisoners and their legal adviser are confidential, whether a lawyer had previously been representing a prisoner or not. If those letters are open, prisoners have a right to compensation, however this does not always work as an efficient deterrent as too many of those confidential letters are still being open by the prison guards. This was denounced by the “*contrôleur général des lieux de privation de liberté*” (a French administrative authority in charge of monitoring prisons and other places of detention).

**d. Do prisoners have access to, or are allowed to keep in their possession, documents relating to their legal proceedings?**

Prisoners are not allowed to keep any document that relates to their legal proceedings in their cells. Indeed, as stated in the law passed in 2009, documents that mention the reason for a prisoner’s detention must be kept by the prison’s service in charge of the prison’s registry (“*greffe*”). A room must be set up to allow prisoners who wish it to consult those documents. In truth, prisoners will often struggle to gain access to those documents, and because of a long waiting list might even have to wait sometime three weeks before the consultation can be arranged. Moreover, prisoners will usually be given very little time to actually consult the documents. Some prisons will only allow those consultations to last five minutes at a time. What’s more, some prison will not have dedicated any rooms to carry out those consultations and will thus use to that effect the spaces reserved for prisoners’ visit with their lawyers or even sometime a mere corridor.

## CONTACTS WITH THE OUTSIDE WORLD

**a. How many phone calls can a prisoner make per week? Is there a limit to the number of letters that can be sent out? Are there other forms of communication that prisoners can use?**

There is no rule regulating the number of phone calls a prisoner can receive or their duration. Accessibility to a phone varies, depending on the number of working phone available and the number of prisoners. Generally, calls can be made between 7am and 6pm. Prisoners placed in the French equivalent of solitary confinement (called disciplinary cells) will find their phone privilege reduced to one phone call every seven day, with the exception of calls made to their lawyer. Apart from potential problems of accessibilities in overcrowded prisons, the main obstacle for prisoners will be that they must pay to make a phone call (1 euro per 10 minutes when calling a house phone), although charities will sometimes distribute free phone cards to those in need.

As for written correspondence, there are no restrictions to the number of letters a prisoner may send or receive or to their length (inmates have to pay for the postage). People on remand, however, can be barred from contacting certain person by the judge in charge of the investigation. Those judges are even to make the decision decide that all of a prisoner on remand’s correspondence be retained for



ten days renewable once. As for other means of communications, family and friends of a prisoner can visit them, but no communication via e-mail or video-conferencing is allowed.

**b. How many visits can a prisoner receive per week? Do the arrangements for visits allow prisoners to maintain and develop family relationships?**

Rules and regulation provide that people on remand should be allowed to receive at least three visits per week and that prisoners serving a prison sentence should be allowed one visit per week, which is the same amount fixed for prisoners placed in solitary confinement. However, most prisons being overcrowded, those standards can rarely be met, especially in remand prisons. The length of those visits is predetermine by the internal rules and procedures of the prisons, but it will generally last for 30 to 45 minutes in remand prisons and an hour in sentence facilities. The conditions of those visits do not allow privacy, as prison guards must be able to listen to all conversations taking place, and as having sexual intercourse during those visits is prohibited. That being said, once per trimester, prisoners must, in theory, be given the possibility to receive a visit, without surveillance, in the UVF (a studio) or at the very least a room with a bed called "*salon familial*". However, only 22 French prisons out of 191 have UVF and only 9 have "*salon familial*". UVF visits can last from 6 to 72 hours and those in "*salon familial*" will last 6 hours maximum.

**c. Whenever circumstances allow, can prisoners be authorized to leave prison, either under escort or alone, in order to visit a sick relative, attend a funeral or for other humanitarian reasons?**

Exit permit can be granted in case of serious illness or in case of a death or birth in the family. While people convicted of a prison sentence of five years or less do not have to meet any specific requirements to be granted such permits, prisoners sentenced to more than five years in jail should have already served half of their sentence (or two third of it for recidivists, unless the judge specialised in matters of sentencing, explicitly decided otherwise). While those permit are granted for a maximum of 72 hours, they might be prolonged in order to accommodate for travel time. It happens that a prisoner is not allowed to visit a very sick relative or to attend a funeral. It also happens that the judge allows him to go only under escort and the prisoner, ashamed to be seen in such a situation, decide to give it up.

**d. Can prisoners keep themselves regularly informed of public affairs by subscribing to and reading newspapers, periodicals and other publications, and by listening to radio or television transmissions?**

Newspaper, periodicals and other publications as well as CD and DVD are made available to prisoners in the prison's library. Prisoners can also buy or subscribe to publications of their choosing or have their friends or relatives bring them during their visit. In addition, prisoners are allowed to exchange each other's books and publication. That being said, the minister of justice or the prison's warden can decide to ban certain publications if they consider them to be security threats or to be insulting or slandering towards the prison staff, prisoners or any other person that might be working within the prison.

Prisoners can also listen to radio and watch television. They can rent televisions for their cells, except while they are placed in solitary confinement, for 9 or 18 euro per months (depending on whether they are detained in a public or privately run prison). Adult prisoners renting a television will be allowed to watch programs of their choosing without restriction, while underage prisoners might be prohibited from watching programs thought not to be age appropriate.

**e. Can prisoners communicate with the media (unless there are compelling reasons to forbid this for the maintenance of safety and security, in the public interest or in order to protect the integrity of victims, other prisoners or staff)?**

In principle, prisoners can communicate with the media, however, those communications are so regulated that it greatly restricts this right. Indeed, every publication (books, blogs) from prisoners must first be authorised by the penal service, which can also retain a manuscript and delay its publication for security reasons. Moreover, the penal service can veto the publication of a convicted prisoner's photo if it deems that it will make said prisoners easy to identify which would be damaging to public order, to crime prevention, to victims or others' rights as well as to the rehabilitation of said prisoner. In practice, the penal service will veto those publication systematically any time the anonymity the prisoner is not protected or if said prisoner has not given consent. As for people in remand, they must obtain authorisation from the judge in charge of their proceedings before any broadcasting of their voice or image to the public. Journalists could go in jails only if the administration consents it. But, However, a law proposal has been filed to allow the press to enter twice a year in jail with parliamentarians (parliamentarians have the right to unrestricted entry).

**f. Can prisoners participate in elections and referenda?**

Since 1994, people convicted of prison sentence retain their right to vote unless they were expressly convicted to the forfeiture of said right by a jurisdiction. However in effect, implementing this right is difficult. Indeed, to be allowed to vote, once must be registered at one's local municipality and must go to the polling station on the day of the election or mandate someone to vote in one's place. That being said, exit permit cannot be granted for people on remand as well as for prisoners convicted more than five years in prison who have yet to serve half of their sentence (or two third of it for recidivists). Other prisoners could in theory be granted an exit permit, but there are no guarantees. As for mandating someone to vote, it requires prisoners to know someone they can trust with their vote who is registered to vote at the same local municipality, which is especially hard to come by when prisoners are registered with the prison's municipality. In this case, chaplain or prison visitors might be mandated, but prison staffs are not authorized to carry out such a mandate and therefore the number of potential proxy is scarce.

## PRISON REGIME

**a. Does the prison regime offers a programme of activities?**

In principle, activities, with the aim of rehabilitation according to the age, competences, disabilities and traits, must be proposed to the prisoners. It could be cultural, sporting, educational or professional activities. However, all prisons don't offer a large panel of activities. Job and training offer is reduced and the number of socio-cultural activities is too little regarding to the number of prisoners, especially in remand prisons where overcrowding is big.

**b. How many hours a day do prisoners spend outside their cells to improve human and social interaction?**

It's varying from one prison to another. In remand prisons, detention regime is a "closed doors" one. Prisoners are not allowed to go out from their cells, except to go at one activity (2 or 3 hours per day). But, because of the overpopulation and the lack of activities offer, most of the prisoners stay 23 or 24 hours in cell (1 hour for walking time), not including the meetings in the visiting room or to the doctors, etc. Those who are working could be out of their cell for 6 or 7 hours a day. In sentence facilities, it's varying too. Some prisoners are submitting to a "closed-doors" regime, others are allowed to move freely during the day in their accommodation unit. More activities are nevertheless proposed.

**c. Is there any particular attention given to the needs of prisoners who have experienced physical, mental or sexual abuses?**

In principle, prison administration must ensure that the physical integrity of each prisoner is preserved in all collective or individual places. The law provides that any prisoner who is the "victim of a glaring act of violence committed by one or more inmates" must be "subject to supervision and to a special detention regime". In remand prisons, such prisoners must be given priority for individual cells. However, where this is not possible or when the prisoner dreads that another incident may happen, he/she will be sent to solitary confinement in the isolation area. When identified, the perpetrators may be transferred to another prison. When the perpetrators remain unidentified, it is the victim that may be transferred to another prison. In practice, inmates that are victims of physical abuse often ask to be placed in the isolation area or to be transferred to another prison, as they fear further aggressions. Some inmates do not dare to come back out of the isolation area as they fear that further aggressions may happen, which leaves them with an inexistent social life in detention.

## WORK

**a. Do prison authorities provide work opportunities (either on their own or in co-operation with private contractors, inside or outside prison)?**

Rules and regulations state that every step possible should be taken to offer jobs to prisoners who wish to work. However, this is made difficult due to the shortage of jobs available to prisoners. According to the latest data collected, in 2011 the prison population had an employment rate of only 28%. It was at 37% in 2000. Consequently, it means that there are currently about 17.800 prisoners working in prison. About half of them, 47,5% to be precise, work for the prison service (or for private firms when the prison is privately run) and will carry out work related to the running of the prison, such as maintenance, work in the kitchen or food distribution within the prison. Prisoners might also get production jobs, which they will carry out in workshops or within their prison's cells, from private companies (45,5%) or from the penitentiary industrial service (7%).

In theory, prisoners should also be able to be self-employed on the condition that they get authorisation from the warden. However, this is difficult to accommodate due to prisoners' lack of access to the necessary electronic tools of communication. Consequently, in recent years, only a handful of prisoners have managed work independently, mainly within the computing industry. And they all have had to struggle with the difficulties of getting orders in and out of the prison.

In addition, some prisoners attend paid vocational programs (3.300 prisoners on average a year, representing about 5% of the prison population), and others will work outside the prisons as part of an adjusted penalty (about 3.900 prisoners).

**b. Are work opportunities encompassing vocational training provided for prisoners able to benefit from them (especially for young prisoners)?**

Generally, the production jobs available do not require one to possess any special skills; they are simple and repetitive jobs, such as: packaging jobs (onion filleting, bagging of plastic cutlery...); the folding, gluing and envelope-stuffing of leaflets; handling or manufacturing jobs that requires uncomplicated welding, painting or assembling work. In addition, some services sector jobs are now made available to prisoners. Indeed, there are now call centres in two French prisons where prisoners will provide commercial services and conduct consumer survey.

It is extremely rare that the work available in prisons will give prisoners the opportunity to develop any specific and valued skill that might be useful to get an adjusted penalty alternative to imprisonment. Digital filling workshops usually turn out to be valuable work experience, as well as some of the work given by the prison such as jobs within the prison's kitchen. That being said, the development of prisoners' skills and qualifications that might be useful after their release is not currently one of the penal service's main preoccupations.

**c. The organization and methods of work in the institutions shall resemble as closely as possible those of similar work in the community in order to prepare prisoners for the conditions of normal occupational life. Does this happen in France?**

Rules and regulations stipulates that the organisation and the methods of work in the institutions shall resemble as closely as possible those of similar work in the community in order to prepare prisoners for the conditions of normal occupational life. However, in reality the working conditions in prison are quite different from those of similar work in the community. Employment and labour laws are not applicable to prisoner's jobs. For example, there is no regulation of working times, and consequently, some jobs, notably kitchen jobs, will be able to require prisoners to work for a whole month without any day off. Moreover, the manufacturing jobs offered by private companies are not secured, and prisoners will often not even know whether they will keep on working the next day. Furthermore, prisoners cannot call upon the protection of trade union rights, or the right to paid leave of absence or even the right to any employment indemnity.

As for the methods of work, those for manufacturing jobs often differ from the ones use in the community, where companies have put in place highly automated production line or have relocated their factories to Asian countries. As for the kitchen jobs, while the methods of work should in theory be similar, controllers have observed a number of health and safety violations within the prison's kitchen.

**d. Are prisoners remunerated fairly in relation to the outside world? Are there some restrictions in the use of remuneration?**

The Prison Law of 24th November 2009 introduced various hourly rates of remuneration. The rate is set at 45% of minimum wage of the outside world (that is to say 4,24 € gross per hour) for inmates who work in the production sector. For those inmates working on behalf of the prison administration, the

rates are set at 33% (3,11 €), 25% (2,36 €) or 20% (1,89 €) of the minimum wage, depending on the technicality of the position.

However, the administration does not apply these set rates, as it continues to refer itself to the old remuneration system. In the production sector, piece rate remuneration prevails. For the rest of jobs, daily rates - whatever the number of working hours - are applied. This system usually leads to lower wages being paid than those which would have resulted from the hourly rates set in 2009. Sometimes, in the production sector, remuneration actually amounts to 1 € per hour. Generally speaking, inmates earn an average of 330 € per month (excluding taxes) for full-time equivalent. On this income, 20% is levied on the portion going from 200 € to 400 € and 25% on the portion that exceeds 400 €, for the compensation of the victims. Then, another 10% is levied on the remaining amount of income and is placed in a blocked account, destined to the inmate on his day of release.

**e. Are there any health and safety precautions for prisoner workers in order to protect them adequately? Are these the same precautions that are applied to workers outside?**

In principle, the rules that prevail on the outside in terms of hygiene, health and safety at work are also applicable in prison. Thus, Labor Inspection may intervene directly in prison, but it rarely does. Moreover, its recommendations are not always put into practice. For instance, a report drawn in 2008 shows that over a third of the recommendations made over the past three years had not been put into practice, mostly because of the expenses engendered. The observations made by the Labor Inspection concerned, in order of recurrence: the absence or defect of safety devices on machines or equipment (e.g.: absence of emergency stop devices); malfunctioning of the ventilation system or of the air extraction system in workshops that produce dust or fumes that may be toxic; various malfunctions such as a lack of adequate protection equipments for prisoners, or a lack of compliance with the standards for electrical installations.

**f. Are prisoners who work included in the national social security system?**

Prisoners who work do not benefit from the national social security system in its whole. They do not contribute to unemployment insurance. They do not receive compensation in case of dismissal, layoffs or leaves due to sickness or accident at work. In case of work accident or of occupational disease, the inmate may receive an allowance only when the accident or disease has left him/her with a handicap. On the other hand, healthcare expenses are taken care of. In addition, prisoners contribute to the pension scheme according to common law. They may as such acquire pension rights. Nonetheless, the system of acquisition of pension rights relies in most cases on the amounts of income that a person has received. Therefore, as the amounts of income paid to prisoners are well below ordinary minimum wage, prisoners find themselves disadvantaged and are left with a very small possibility to acquire such pension rights.

## EXERCISE AND RECREATION

**a. Does every prisoner have opportunity for at least one hour of exercise every day in the open air, weather permitting?**

Regulations provide that each prisoner must have the possibility to leave his/her cell "in order to carry out a daily walk of at least one hour in the open air". The layout of the walking premises greatly varies from one institution to another. In some prisons the courtyard is of the size of a sports field whereas in others it only allows inmates to take few steps. Some courtyards are equipped with sports facilities (table tennis, basketball, parallel bars, etc.). In addition, regulations provide that "with all reserves having to do with architectural constraints", prisons should be provided with "outdoor sports equipment" (football field, etc.), and that "by all possible means", the location of such equipment must be "different than that of the walking premises". In practice however, numerous prisons do not have specific premises for sports equipment. When these premises do exist, sports equipments become available not only during walking time, but also at times determined by the head of institution. When confined in the disciplinary area, inmates do not have access to sports facilities. The head of institution may also decide to deny access to these facilities to a given prisoner for "reasons of order and safety".

**b. Are there appropriate installations and equipment, in order to facilitate such activities?**

In practice, older institutions as well as most remand prisons remain under-equipped as sports equipment is insufficient and faulty. On the other hand, some institutions are well equipped (big sports field, gymnasium, etc.) but these infrastructures are often underused due to a lack of supervision and as a result of overpopulation.

## EDUCATION

**a. What kind of educational programmes are there in French institutions?**

According to the regulations, "any prisoner who needs or wishes to" should have access to "quality education, equivalent to that which is provided in the outside world". Prisoners must be enabled to "engage in all studies compatible with their penal situation and their conditions of detention". In practice, teaching units exist in each and every institution but, due to a lack of resources, they do not provide with all types of education. In terms of resources, priority is given to inmates that are the most in need. Primary level education and programs against illiteracy are provided in every prison. Secondary level education is also usually ensured, but the number of places is very limited. For higher level education and aside from some institutions in one district (Île-de-France) where professors come to give lectures, prisoners have to engage in distance learning programs.

**b. How many prisoners are attending an educational programme (for each kind of educational program)?**

According to the latest data available (in 2011), 16,149 of the 63,901 people being detained by the prison service were attending educational programs, which represents about 25% of the prison population. Of those, 63% have undertaken basic education and literacy programs; 12,2% undertook classes of a secondary school level and 1,4% took university courses. Education program attendance rate has reached an average of 6 hours and a half per week.

**c. Do these educational programmes take place under the auspices of external educational institutions?**

Education in prison is of the competence of the Ministry of National Education. Courses are usually taught by teachers that are temporarily assigned to prison. Teachers assigned to prison are insufficient in number. On average, there is one teacher for 100 inmates, though most inmates speak French poorly or have poor reading skills; about half of inmates have no qualifications. Moreover, various associations, including student associations, volunteer in the field of education. These volunteers provide inmates with tutoring or with distance learning. Inmates may also follow courses through distance learning programs, via organisations that come under the authority of the Ministry of National Education. Inmates must however bear the costs of distance learning programs and these may be quite expensive. For example, a postgraduate program costs 790 €.

**d. Does every institution have a library? Is it adequately stocked with a wide range of both recreational and educational resources, books and other media? Are books available in different languages? Is it connected with public libraries in the outside community?**

According to the regulations, each prison must have a library that freely provides inmates with novels, educational books, dictionaries, press and audiovisual publications, including some in other languages. Libraries are meant to be of a sufficient surface - about 80m<sup>2</sup>, in order to fit out a satisfactory on-site consultation area and to offer a wide selection of books. As for the libraries' collection, it is recommended to have 10 items per inmate ; as for press items, each subscription shall be shared between 20 inmates. In reality, the average surface of libraries is of 43 m<sup>2</sup>. The stock of press items is low as prisons poorly subscribe to press, even though press is the mostly read item. Nevertheless, some press editors have engaged in the free distribution of press in some prisons. As for DVDs and other audiovisual publications, their availability is very low since computers or DVD players are rare in detention. Likewise, prison libraries are often poorly supplied in books of foreign languages .

## FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION

**a. Is the prison regime organized so far as is practicable to allow prisoners to practice their religions and follow their beliefs, to attend services or meetings led by approved representatives of such religions or beliefs, to receive visits in private from such representatives of their religions or beliefs and to have in their possession books or literature relating to their religions or beliefs?**

The Prison Law of the 24th of November 2009 provides that prisoners can "practice the worship of their choice". During incarceration, prisoners must be informed of their "right to receive visits from a cult minister and to attend services and worship meetings" ensured by authorized chaplains. A specific room with neutral decoration must exist in each prison for the purpose of worship practice. Moreover, inmates must have the possibility to meet and talk with chaplains "as often as necessary" and without the presence of prison staff. These meetings may take place in the visiting room, in the prisoner's cell or in a room set for this purpose. The law also provides that prisoners must have the possibility of keeping in their cells "objects and books necessary to their spiritual lives". In practice, there is a lack of Muslim chaplains in prisons. In fact, there are over 900 Christian chaplains but only 150 Muslim chaplains, when the proportion of Catholic or Protestant inmates is of 20 % and that of Muslim inmates is of 30 % to 40 %. Due to a lack of Imams, some Muslim prisoners practice group prayer during walking



time in the courtyard and expose themselves to disciplinary sanctions as the administration forbids such a practice.

## INFORMATION

### **a. Are all prisoners informed about any legal proceedings in which they are involved and, if they are sentenced, the time to be served and the possibilities of early release?**

In every prison there is a specific department that informs prisoners of any legal proceedings in which they are involved, such as convictions that regard them, and of the time they have to challenge such decisions. This department is made up of administrative or penitentiary staff that is trained for this purpose. It is the same department that informs prisoners (on a regular basis and on demand of the prisoner) about the time they must serve. As for possibilities of early release through sentence adjustment, prisoners are informed through a welcome booklet distributed to them at admission. In addition, a specific service exists in every prison – the probation service (*service d'insertion et de probation*), which is in charge of informing and assisting prisoners with their sentence adjustment requests. In practice however, the lack of staff within the integration and probation services does not allow them to assist prisoners in a satisfactory way or to meet with them on a regular basis. Even though since 2005 the number of staff was set to be of 1 per 72 prisoners, in practice the number varies considerably from one prison to another, being often of one per 100 to 200 prisoners.

## PRISONERS' PROPERTY

### **a. Are prisoners entitled to purchase or obtain goods, including food and drink for personal use? Are the prices of these goods similar to those charged for comparable goods in free society? Is the quality of these goods the same as that of comparable goods in free society?**

Prisoners can purchase all sorts of goods in prison - tobacco, food, drinks, newspapers, hygiene products, items necessary for correspondence (pens, paper, envelopes and stamps), clothes, Hi-fi accessories, etc. Some goods are not allowed for sale, such as medicines available without prescription in the outside world, alcoholic drinks (forbidden). Up until December 2012, coffee was also forbidden because of its stimulating effect. Purchases are either managed by the prison administration or by private enterprises, where the institution is managed through public-private partnership. Up until 2012, prices were in average higher by 17% than those in the outside world, because of supply costs and of the profit margins taken by the companies that manage purchases. Since then measures have been taken. In prisons where purchases are managed by enterprises, an agreement was made to limit profit margins to 10% of the wholesale price of the product. Also, in nearly all prisons where purchases are managed by the administration, a standardised catalogue has been put in place offering about 200 different sorts of basic goods (food, hygiene products) at a fixed and particularly low price. For example, a packet of 500 grams of rice costing 2,70 € on the outside only costs 0,36 € in prison.



## RELEASE OF PRISONERS

### **a. Are released prisoners provided with immediate means of subsistence; are they suitably and adequately clothed with regard to the climate and season, and are they afforded sufficient means to reach their destination?**

In principle, administration must provide "material help" to prisoners "lacking resources at the moment of release in order to enable them to meet their needs" until they "reach the destination they said they would go to". In this regard, the institution may buy or help with the acquisition of a transport ticket. "As far as possible", the institution must also provide clothing to prisoners that have none and cannot afford it. In practice, the material help provided amounts essentially in a "kit" containing bus tickets for the local transport network, a phone card, prepaid checks for purchasing food and a booklet with the addresses of local social assistance schemes.

### **b. Are released prisoners assisted in finding suitable accommodations and work?**

Former inmates may ask to benefit from the assistance of the integration and probation penitentiary service (*service pénitentiaire d'insertion et de probation*) of their place of residence, for a period of six months following their release. This service may put them in touch with accommodation facilities. The principle however is that once released, former prisoners fall under the competence of common social safety-nets, in terms of job seeking or accommodation seeking. However, in the Parisian district (Île-de-France), the Ministry of Labor has created a support structure dedicated exclusively to former inmates. This structure ensures the provision of general services for job seeking (inventory of job offers, interviews, orientation towards training courses, etc.). The generalisation of this singular structure is not envisaged.

## WOMEN

### **a. Are special provisions made for the sanitary needs of female prisoners?**

Women prisoners are allowed to buy feminine hygiene products through prison. If they are destitute (less than 50 euros per month), prison has to give them the products freely.

### **b. Are prisoners allowed to give birth outside prison?**

Pregnant prisoners must be sent to a public hospital that has a maternity unit. During childbirth, the prisoner should not be handcuff or tied up and no prison staff should be admitted into the delivery room. In theory, during the stay in the hospital there should be no surveillance or monitoring unless a prisoner is thought to be dangerous or specific measures must be put in place due to the reasons behind her imprisonment. In reality, they will systematically be a guard in front of those prisoner's room. Guards will even sometime post themselves inside of the prisoner's room.

## JUVENILE PENITENTIARY SYSTEM

### **a. Are minors (aged less than 18) detained in establishments specially designed for the purpose?**

Minors must be incarcerated “either in a special section of a prison, or in a prison specially designed for minors”. In prison establishments as a whole, there are 1.110 places designed for the reception of minors, distributed among 55 prisons: 46 special sections for minors, 6 specific minor establishments, and 3 centres for special sentences (semi-liberty/day release). In practice, the rules governing the strict separation of minors and adults are rarely applied where young girls are concerned. They are few in number (only thirty-odd) and they are generally grouped together in the same establishment and placed not in a minor section but in adjoining cells in a section for adult women. They do not however participate in any activities with the adults.

### **b. Does every prisoner young enough to yet be subject to compulsory education have access to such education?**

Minors who are less than 16 years of age are subject to obligatory schooling. They are obliged to have lessons in prison. Those who are over 16 are not subject to schooling if they do not wish to be (as is the case outside of prison, obligatory education stops at 16 years); but such persons are encouraged to attend lessons. In principle, they must have between “twelve and twenty hours” of lessons per week, and preferably “twenty hours”. But, in practice, the amount of time allocated to education is limited to 14 hours on average, but with variations according to the place of incarceration: 17 hours in establishments for minors (EPM), 12,5 hours for minor boys not in EPM’s, and 11,5 hours for minor girls not in EPM’s.

## INFANTS

### **a. How many infants are there in French detention facilities?**

About 40 children live within French prisons even though they are not in fact prisoners. They are the children of prisoners, who were born before or during their mother’s incarceration. Having parental authority over her child, a mother has the right to make decisions on the fate of said child, including deciding that he should live with her in prison. The circumstances in which a child will end up living in prisons are atypical, and are limited to situation where the mother refuses to be separated from her child. The judicial authority has the obligation seek alternative solutions before admitting the child into the prison such as family or foster care placement.

### **b. How many years after birth can the infants stay in the institution?**

Children are not permitted to stay in the institution over the age of 18 months. That being said, in rare cases, the penal service might allow a mother to keep her child with her for longer. According to the penal service’s guidelines, this extra time granted should not exceed 6 months nor should the child remain in the prison over the age of two.

**c. Are there nurseries, staffed by qualified personnel, where the infants may be placed when the parents are involved in activities which do not permit for the infants to be present?**

French prison do not have nursery, staffed by qualified personnel. If needed, the child can, in theory, be entrusted to a cellmate, but it is not always possible and will even sometime be prohibited. Supposedly, partnership with outside structures should be put in place in all prisons hosting children to be able to provide regular outing's opportunities. However, in reality not all of those prisons have put in place a system of childcare outside the prison, which makes organising any outing for the children difficult at best.

**d. Are there special accommodations in the prison to protect the welfare of the infants?**

The child's mother can choose freely, among doctors working outside the prison, who will be in charge of her child's health. That doctor will then be granted access to the prison. Otherwise, the child might be brought to him for a medical visit, either by his mother if she is given permission to temporarily exit the prison, or by any person she chooses.

## FOREIGN NATIONALS

**a. Can prisoners who are foreign nationals request contact, and be granted reasonable means to communicate with the diplomatic or consular representatives of their state?**

When they first enter prison, foreign nationals must be informed by administration that they can get in touch with diplomatic and consular services of their own country. To this end, these services' addresses must be provided to them. If their national state allowed reciprocity to the benefit of France, foreign prisoners can communicate with consular officials in their own language. However, this correspondence can be controlled (by opening and reading it). Should some letters 'seem to seriously jeopardize their rehabilitation or the maintenance of public order and safety', they could be retained. Furthermore, Diplomatic and Consular officials can also meet with their national prisoners, given they are delivered a permit to visit. They meet in a standard visiting room kept under surveillance.

**b. Are prisoners who are foreign nationals informed of the possibility of requesting that the execution of their sentence be transferred to another country?**

The Chief custody office must inform the prisoners who may be entitled to benefit from the provisions of a Convention on the Transfer of Sentenced Persons.

**c. Are prisoners who are foreign nationals divided by country of origin within the sections of each institution?**

In principle, the nationality of prisoners is not a criterion to assign and distribute prisoners within the penitentiary institution. However in practice, and especially if they do not speak French, a common language among prisoners is often taken into account to allocate cells, so as to minimize foreign nationals' isolation. It turns out this practice is not free of risks. In 2000, European Committee for the Prevention of Torture criticised the way prisoners were being allotted in the Parisian prison known as La Santé. In that prison, prisoners were distributed according to their ethnicity only, or even to the color of their skin.

**d. Are interpreting services available to foreign nationals?**

When necessary (in a disciplinary hearing for instance), the prison administration may call upon an interpreter. In practice, interpreters cannot be provided for every time, due to the lack of funding. Most of the time, the administration turns to prison staff or relies on other prisoners' language skills. This way of proceeding raises issues regarding confidentiality, for instance where the contribution of prison staff is needed in a context such as a medical visit. Informative leaflets translated into English, Arabic, Spanish, Portuguese, Russian or Romanian are also distributed to foreign prisoners when they first come in.

## ETHNIC MINORITIES

**a. Are there any particular ethnic minorities among the prison population? What is their percentage of the total prison population?**

The concept of ethnic minority does not exist in French administration. The ethnic origin of people is never identified and any statistical census is prohibited. However, we know that immigrants and children of are overrepresented in prison (Maghreb, sub-Saharan Africa...). Roma are also overrepresented in prisons and juvenile sections as alternative sentences are rarely handed to them.

## HEALTH

**a. Are medical services in prison organized in close relation with the general health services of the community or nation?**

Since 1994, the responsibility to deliver health care in prison is managed by the Ministry of Health as it occurs in the rest of society. Medical services are provided by hospital practitioners assigned to the prison.

**b. Are all necessary medical, surgical and psychiatric services (including those available in the community) provided to the prisoners?**

In principle, detainees should be able to benefit from the same health care as the rest of the population. All types of care, however, are not accessible within the prisons. In principle, medical units within prisons ensure basic medical care (general medicine), addiction services, psychiatric follow ups, dental services, and laboratory and radiology exams needed for further diagnosis. In reality, medical units are insufficiently equipped. Many of them do not have access to radiology supplies (37% in 2011, according to the latest statistics). In some cases – which vary between each prison – medical units equally provide specialized consults in the domains of dermatology, kinesitherapy, pneumologia, cardiology, ophthalmology, etc. The specialists, however, do not intervene on a regular basis; current wait times are significant (of up to several months). The waiting time also includes psychiatric or psychologic consults (of a minimum of six months) and so is especially significant, showing the lack of sufficient workforce according to the amount of prisoners. When medical care cannot be provided in prison, it is administered at the hospital for example, specialized consults, surgical interventions and

rehabilitation. The prisoner must be removed from the institution and transferred under surveillance to the hospital. Arranging an escort can be challenging to organise, which leads to even more delays of support.

**c. Is there at least one qualified general medical practitioner in every institution?**

There is a medical practitioner in every establishment, within the medical unit. The needs, however, outnumber the amount of practitioners. There are, on average, 3,5 full-time practitioners per 1.000 inmates. But in some other prisons, there are less than two medical practitioners working full time for 1.000 inmates.

**d. Are the services of qualified dentists and opticians available to every prisoner?**

In principle, dental care must be made available within all prisons. There is on average 1,5 dentists working full-time or equivalent for 1.000 inmates and in some prisons there is no service. In his situation, care must be provided at the hospital. There are not enough dentists working within prisons considering the needs, especially as prisoners often have degraded oral conditions which requires considerable medical attention. According to a statement put out in 2008 by the Ministry of Health, the wait time for an emergency consult is more than one week in more than one prison out of five (21%), and, on a non- emergency basis, between 15 days to more than one month in about half of the prisons (46%). In the case of ophtalmology consults, specialists either intervene seldom or not at all. In prisons holding around 700 inmates, an eye exam is available only once a month. As a result, these types of medical care are also generally administered at the hospital, with average significant wait times of up to 10 months.

**e. Are prisoners suspected of infectious or contagious diseases isolated for the period of infection and provided with proper treatment?**

When a prisoner is suffering from an infectious or contagious condition, or is suspected of being so, the doctor must inform the prison governor, having due regard to medical confidentiality, so that measures can be taken to isolate the prisoner. On doctor's instructions, the person must be isolated in an individual cell for the period of contagion. The prison administration cannot, in principle, place such a prisoner in solitary confinement, as solitary confinement can only be used for security reasons. The appropriate medical treatment must then be administered.

**f. Are sick prisoners who require specialised treatment transferred to specialty institutions or to civil hospitals, when such treatment is not available in prison?**

When the necessary care cannot be given in prison, the prisoners must be transferred to a public hospital under escort. The hospital to which prisoners are transferred is usually the nearest suitably-equipped public hospital to the prison. However, since 2004, secure hospital units have been set up, under the surveillance of prison staff and subject to prison administration rules. There are 7 of them in the country (with a total of 162 beds). They are annexed to public hospital facilities, and are available for prisoners who need to be hospitalised for more than 48 hours.

**g. Are persons who are suffering from mental illness and whose state of mental health is incompatible with detention in a prison detained in an establishment specially designed for the purpose?**

Prisoners whose state of mental health is considered to be incompatible with incarceration must be hospitalised at the request of medical personnel. In principle, such hospitalisation must be in a psychiatric unit reserved for prisoners and situated within the confines of a public psychiatric hospital. These units are subject to prison administration rules and surveillance. There are currently only 3 such units in operation (the first was opened in 2010). So, more often than not, such hospitalisations are in public hospitals. For security reasons, prisoners are frequently placed in isolation wards, in locked rooms where there is no other furniture than a mattress. And this is the case even when such measures are not medically justified. In some instances there are no toilet facilities. A bucket is made available for the patient's needs. The length of stay is usually only a few days, the time needed for the period of crisis to pass, as hospitals prefer not to keep the prisoners, who are usually then sent back to prison. Some prisoners are frequently sent backwards and forwards between the prison and the hospital several times because of their fragile state of health. The average length of stay in a specialised unit is two or three months.

#### **h. What is the treatment available for drug users and for drug addicts in prison? Are there harm reduction programmes?**

A drug addiction consultation must be offered to all drug dependant prisoners, but this doesn't always happen because of lack of funding. For those dependant on opiates, a replacement therapy must be made available (high-dosage buprenorphine or methadone, according to medical prescription). But in practice, certain medical units only make available one or other of these products. And certain other units still refuse to initiate substitution treatments (13% according to a 2009 survey); others crush or dilute the buprenorphine tablets to avoid trafficking even though that alters their efficiency (19%); yet others stop treatment where urinary tests show that drugs have been consumed (35%). All of this leads to abrupt withdrawals. Moreover, not all of the risk-reduction measures available outside prison are applied in prison. There are not yet in existence any systems for the exchange of used syringes, although it is known that syringe-sharing takes place. Moreover, the availability of straws for sniffing persists. Only bleach is made available to prisoners, but the information on how to use it for disinfecting equipment is badly communicated. However, the Ministries of Health and of Justice are looking to introduce an experimental syringe exchange programme.

## ORDER

#### **a. Are there any special commissions composed of prisoners with the aim of discussing issues related to detention conditions? How are they constituted?**

In principle, convicts are not allowed to start any collective initiative. But, since 2009, the law says that convicts can be "consulted by the penitentiary administration regarding the activities that are offered to them". However, this text is not used very often. It is not implemented in every prison and in some of them; the consultation takes the form of a questionnaire. However, since May 2010, a dozen of prisons tests "convicts committees" where convicts who are either chosen by the administration or elected by their peers (rarer) can participate. Within those committees, convicts can raise questions linked with their conditions of detention (but no questions that would be related to security or individual situations) with the administration. Exchanges have to be preceded by an agenda to which

the convicts have to be associated to. This experimentation has been “fruitful” according to a July 2012 parliamentary report, but the Ministry of Justice has not announced any spread of this measures. And now, according to the rules, a letter collectively signed by the convicts and talking about the conditions of detention (even without any threat or insult) is likely to give way to disciplinary sanctions .

## SECURITY

### **a. What are the main security measures applied to individual prisoners? How are they applied?**

Searches are one of the most common security devices. There are three types of corporal search: palpation search, integral search which implies that the convict has to be naked, and the internal search which consists in an x-ray exam or a control of the “oral, anal or vaginal cavities.” The internal search is occasional and can be done only under the decision of a magistrate. The palpation and integral searches are different since it is the director of the penitentiary who decides when they have to be done. The rules should limit the recourse to this sort of search (clues about the possible introduction of objects that are not allowed, or the behavior of a convict that would be a threat to the security). Convicts can also be subjected to cells and belongings searches. Those searches are made in the absence of the convict. Some convicts (the “the particularly reported convicts”) can also be the object of reinforced surveillance measures inside of the prison (corporal searches and frequent inspections of the cell, increased limitation of movements and automatic escort, higher control of correspondence, etc) as well as outside the prison (increased security measures in case of extraction). Every adult convict can also be the object of a placement in isolation.

### **b. According to the training course of the prison staff, how should security measures be applied?**

Wardens are taught that cells have to be searched in a “frequent and meticulous” way. Regarding the integral searches of persons, in principle, guards should be told that it can be done only in a few cases: presumption of infraction, if there is a threat to the prison’s security or to the enforcement of the order -- because of the behavior of a convict. And only if the search by palpation are insufficient to ensure security. However, in practice, integral searches are still in use and this in an invariable way, for every convict, when they come back from the visiting room, for example .

## SEARCHING AND CONTROLS

### **a. How are visitors (such as legal representatives, social workers, volunteers, etc.) controlled by the prison staff? Is special equipment, such as metal detectors, used?**

Everyone who intervenes and every visitor are subject, when they enter the prison, to control measures regardless of the object of their visit. An ID and visit authorization control is first made as soon as they enter the establishment. Then they are subjected to a metal detector, under the shape of a crossbar, and sometimes also a manual detector, unless the visitor has a medical certificate. If the detector sounds, the visitor is not allowed to come in. Besides, every single objects and documents brought by the visitor are subject to a visual control and an x-ray scan. If there is a “special risk for



security”, a palpation search by a same-sex penitentiary staff can be done. The person has to give his/her consent but in case he/she refuses, he/she will not be allowed to come in. Visitors and people who intervene can also be subject to control measures within judicial police operations (for search of narcotics for example). For this occasion, they can be subject to integral searches by a judicial police officer. In no case, this search can be done by a prison warder.

## DISCIPLINE AND PUNISHMENT

### **a. Are disciplinary procedures used as a mechanism of last resort?**

No rule says that the disciplinary procedure has to be used as a last resort. No previous measure of mediation has to be done. And, in practice, the penitentiary administration uses the disciplinary procedure a lot as a response to “incidents” that can be more or less serious (from abusive usage of hi-fi system to assault). In 2011, 65.323 disciplinary procedures have been started. This is 29,9% more compared to the year before. This raise is even more important than the raise of the number of convicts (+4% between 2010 and 2011). However, the percentage of adjournment in front of the discipline commission differs according to the prisons (from 50% to 100%). In some prisons, every fact constitutive of a disciplinary fault is subject to a subpoena in front of the disciplinary commission. In some other prisons, only the most serious faults are punished. In 2011, 8.365 assaults between convicts have been registered and 4.083 staff assaults, within which 129 lead to the temporary incapacity to work.

### **b. What are the main types of punishment of prisoners? How are they applied?**

Several disciplinary sanctions are planned. There are warnings, deprivation of objects (such as TVs, for example) for a period of maximum one month, convicts can be forbidden to receive money from the outside for two months, or to purchase anything else but hygiene products, tobacco, or correspondence tools. They can also lose their job or the vocational training they were taking, they can be forbidden to go to the visiting room without a separation disposal (window-pane to separate people), they can be forbidden to leave their cells (except for the walk). They can also be placed in the disciplinary district for up to thirty days (7 days for minors who are more than 16 years old). Sanctions linked to their jobs, trainings or visits can be taken only if the disciplinary fault has been made within this framework. Minors who are less than 16 years old cannot be placed in the disciplinary district. Placement into the disciplinary district is still the most popular sanction taken (in about 68% of the cases). In some prisons, this proportion even reaches 75%. In the field, it is considered as the only “real” sanction.

### **c. Can a prisoner who is found guilty of a disciplinary offence appeal to a competent and independent higher authority?**

Convicts can contest against those decisions of disciplinary sanctions taken against them in front of the hierarchic manager of the prison director (who is not an independent authority) and then in front of an administrative court. But the procedure period is very long (up to two months in front of the hierarchic authority and several months in front of the administrative judge). The sanction is then already implemented when the resort is examined by the judge. Those constraints explain the low number of



resorts started: 1.172 in 2011 for 65.323 procedures). Besides, convicts have little ways to contest the elements kept against them. The investigation prior to the sanction is carried out by the penitentiary staff and elements reported are often vague or incomplete. Besides, confrontations between the main protagonists are rarely undertaken. This also means that it is “word against word”. Convicts have a hard time bringing together convincing elements to the hierarchic authority or the administrative judge. In 2011, taken all the contested decision, for example, 89% have been rejected by the hierarchic authority. The administrative judge canceled only 8 sanctions.

## INSTRUMENTS OF RESTRAINT

### a. What are the main instruments of restraint used in prison? How are they used?

The main constraint instruments used in prison are handcuffs and fetters. According to the rules, those methods can be used only on the instruction of the director of the penitentiary, and only if there is no other way to “control” the convict, to “prevent him to cause damages or to hurt himself”. It has to be immediately reported to the hierarchic superior. In practice, the resort to handcuffs and fetters is not rare; especially when the convict is placed in disciplinary district. In some cases, there is a systematic use of handcuffs, for any displacement out of the cell, of convicts who are considered as “dangerous”. The penitentiary staff can also resort to violence by special techniques of physical control of the convicts. They can use “specialized gestures” that were taught within the framework of their training, and which aim at immobilizing the person, usually by putting him/her on the floor and constrain him/her to wear cuffs and/or fetters.

## WEAPONS

### a. Can prison staff hold and use lethal weapons within the prison perimeter?

The exterior wardens are the only ones allowed to wear weapons. Under exceptional circumstances, wardens inside of the walls can also wear a weapon, only if the hierarchy gave the order for a strictly defined intervention. The use of lethal weapons is authorized in the following cases: legitimate defense but also in case of a jail-break which cannot be stopped by another mean or of “jeopardy of the establishment resulting in an intrusion, a violent resistance of several convicts or of their physical inertia to given orders”. The use of lethal weapons has to be “preceded by out loud summations”. In practice, the resort to such weapons is very rare. The use of non deadly weapons (smoke grenade, pump action shotgun, flash ball, etc.) is in itself much more frequent (see “Use of force”).

## USE OF FORCE

### a. Under which conditions can prison staff use force against prisoners?

Prison staff can resort to violence in the following cases: legitimate defense, break-jail try, violent resistance, but also in case of simple resistance by physical inertia to given orders. In any circumstances, the staff has, in principle, to limit to a proportional use of violence and only when necessary to prevent jail-break or to bring back order. The regulation precisely tells that violence can be used only if there is no other way to control the convict, to prevent him to cause damages or hurt himself or others. In principle, the director of the penitentiary has to be informed of every resort to violence, but in practice, this report is often incomplete or nonexistent. If those criteria of resort to violence are not respected by the agent, it can constitute violence facts that would involve his/her penal responsibility. But in practice the judicial proceedings of these facts are rare: the hierarchy and the magistrates in charge of the case often justify the use of violence, even excessive violence, by the behavior of the convict and by saying how hard this job is.

**b. Can other law enforcement agencies be involved in dealing with prisoners inside prison? If so, under which circumstances?**

When a serious incident happens, or might happen and that the only means the penitentiary staff has do not guarantee security; but also in case of “assault or threat coming from the outside”, the director of the establishment can ask for the forces (police) to intervene. They intervene under the responsibility and authority of the prefect. This kind of intervention is very rare, in practice since the creation, in 2003, of regional teams of intervention and security (ERIS). They are regional teams of intervention placed under the authority of the penitentiary administration and composed of penitentiary staff specially trained. Their main missions consist in participating in the re-establishment and maintaining the order in case of a collective or individual movement, to participate in the organization of general or sector searches, to carry out security of the establishment when detentions are fragile, to reinforce the escort or the main escort when there is a transfer of convicts known as violent or sensitive. Those teams can also be asked to extract one or two convicts from a cell before a transfer, for the temporary watch of sensitive convicts in an establishment.

## REQUESTS AND COMPLAINTS

**a. Do prisoners (and their families) have the opportunity to make requests or complaints to the director of the prison or to any other competent authority?**

Convicts or their relatives can make requests or complains to the prison director, or to his hierarchic superior. However, parliamentary authorities do not always answer. If they do, sometimes it is within long periods of time, or sometimes only in a succinct way. However, a way to deal with requests has been organized in some prisons. Convicts who have requests to formulate have to be given forms. The request has to be recorded by the administration and an acknowledgement of receipt has to be given to the convicts. This system gives them the certainty that their request has been received. However, this did not really improve the length of the waiting period to have an answer, or the quality of the answer. As for the relatives, there is no official procedure.

## MANAGEMENT AND STAFF

**a. Give number of administrative staff, prison officers, and educational staff (per prisoner) that work inside prison facilities.**

35.670 at all.

486 directors of prisons.

26.329 prison officers.

4.205 insertion and probation counselors (for prisoners and people under measures - restrictive freedom sanctions: 176.158 at all)

2.819 administrative staff

700 teachers. About 1 teacher for 95 prisoners

**b. Give percentage of staff gender per function (i.e. administrative, officers, educational).**

NA.

**c. Are there some special units among prison officers?**

380 guards are part of special units called regional teams of intervention and security (ERIS). They are specially trained to intervene in case there is an incident in detention. They are brought together in intervention units.

## SENTENCED PRISONERS

**a. Are there individual sentence plans for sentenced prisoners (including work, education, other activities, and preparation for release)?**

In principle, a project of execution of sentence (PEP) has to be defined for each convict who has been condemned and has to be written in an official document. This document must describe every action that the convict promised to do during his detention to help his rehabilitation. Whether it is a class he/she would take, a vocational training, having a job, participating in a discussion group, etc. It is established by both the penitentiary authorities and the convict. It has to be revised at least once a year. However, in reality, possibilities to implement integration actions is often reduced (not much jobs or vocational trainings in prison) , PEP's content is often empty. Besides, it is only rarely established in remand centers.

**b. Are sentenced prisoners encouraged to participate in drawing up their individual sentence plans (that should include work, education, other activities, and preparation for release)?**

See previous question.

**c. Is there a system of prison leave as an integral part of the overall regime for sentenced prisoners?**

Yes, there is a system which allows leaves. An authorization to leave the establishment for a few days (usually 3 days, and up to 10, exceptionally) can be delivered to maintain familial links, to prepare to social rehabilitation (to follow some procedures, look for a job, a housing, etc.) or serious

circumstances (relative severely ill or passed). Permission for maximum one day can be delivered for an outside obligation (vote, interview for a job, medical or administrative appointment, etc.). Conditions may vary according to the length of the sentence. But, in general, a leave of several days can be given to the convict when he has gone through half of his/her sentence (two thirds in case of recidivism). A leave of one day can be given without any other condition to convicts with a sentence of less than five years, and after half of the sentence for the others. Defendants can only have authorization to leave with an escort, that is to say, the forces or penitentiary staff. In all the cases, the decision is taken by the judge. He does not have to.

**d. Can prisoners be involved in programmes of restorative justice and in making reparations for their offences?**

There is no real program of restorative justice in France. However, an experiment has been made in a prison in 2011 and should be reinitiated. It concerned three victims and three convicts who did not know each other. The shared infraction was murder. Six supervised meetings took place. The experiment had positive results. On the one hand, convicts said they were impressed by the respect with which victims treated them, to be considered as human beings and being able to measure the suffering of the victims and show empathy. On the other hand, victims said they had a feeling of reciprocal recognition of the suffering and that they had been able to hear it because they felt that someone was listening. In the end, they felt at peace and were worried about the future of the convicts they met.

**e. How many prisoners are serving sentences of more than 10 years of imprisonment?**

7.614 (1st January 2012 – last data available), including prisoner serving life sentence. (5.297 between 10 and 20 years; 1.830 between 20 and 30 years).

## LIFE SENTENCE

**a. Is the sentence of “life in prison” available the penal code?**

Yes, it is.

**b. Are there any alternative measures for prisoners serving life sentence provided in the criminal justice system?**

Yes. In principle, prisoners serving life sentence are eligible for alternative measure after having serving 18 years (22 years in case of recidivism). But, if an unconditional imprisonment period (“safety period”) accompanying the life sentence (up to 22 years, or 30 years in some cases), this period must be served before being eligible for alternative measure. This measure is a semi-open detention or an electronic surveillance for one year, then, if there is no incident, a conditional release.

**c. Are there prisoners serving *actual life sentence* (i.e. a life sentence without any possibility of reduction or admission to leaves or any measure alternative to life imprisonment)?**

Whatever infraction committed, there are always possibilities of reducing the safety period or being eligible for conditional release. But, there is no right to benefit from such measures. Moreover, since

2008, the law provides for the possibility to hold after the execution of their sentence people who have committed serious crimes and are still considered “dangerous”. These people can be placed in a “socio-medico-legal center” (housed in a prison) indefinitely. This procedure has not been used because it applies only to persons convicted after February 2008.

**d. How many inmates with life sentence are there (and their percentage of the total prison population)?**

487 (1st January 2012 – last data available). 0,7% on the total prison population.

**e. Are special sentence plans (regarding work, education and other activities) provided for prisoners serving life sentence? Are these sentence plans drawn up individually, taking into account the needs of each inmate serving such a sentence?**

There are not special plans. As for the other convicts, the sentence plans should be drawn up individually. However, in reality, plan's content is often general and vague.

**f. Do prisoners serving life sentence stay in a single cell or share it with other inmates?**

The principle is an individual encellulement unless they request to be several (two). The principle of individual cells is observed for these detainees.

## ALTERNATIVE MEASURES

**a. How is the notion of “alternative” to detention defined?**

The notion of alternative is mostly used in the sense of alternative to imprisonment. It gathers every restrictive freedom sanctions, except prison. It can be a suspended sentence doubled with probation: the convict is subject, for a certain period of time, to a number of obligations (not allowed to go to certain places, have to have medical cares, go to the judge’s convocations, etc.) and if he/she does not respect these obligations, he/she will be sentenced to prison. Another alternative can be a simple suspended sentence (he/she will be sentenced to prison only if he/she reoffends). It can also be a community work (free working hours for an association, or a territorial collectivity, etc.) or he/she can be placed under electronic surveillance.

**b. What are the main alternative measures to detention being used (give absolute numbers)?**

The principal alternative to detention is a suspended sentence doubled with probation (SME). On January the 1st 2012, 144.060 people had an SME sentence.

**c. Are they imposed before (as alternative to punishment) or during conviction (as alternative to prison)?**

The mentioned measures are decided at the time of the judgment. But, there are alternatives to penal proceedings: penal mediation, penal composition (compensation for the victim), etc.

## INSPECTION AND MONITORING

### **a. Has France signed/ratified/acceded the OPCAT? If yes - when?**

France has signed the OPCAT on 16 September 2005 and ratified it on 11 November 2008.

### **b. Is the National Preventive Mechanism (NPM) set up, designated or maintained? If yes - when?**

In 2008, the General controller of the places of deprivation of freedom and the Defender of Rights have both been set up as NPM. The first is in charge of controlling the conditions in which persons deprived from their liberty are dealt with, in order to make sure that their fundamental freedoms are respected. The Controller and its teams can go to any prison at any moment. Convicts can confidentially write to it. The Controller can give its opinion and recommendations and inform the authorities in case of a serious violation of fundamental rights. But it has no right of injunctions. Convicts can also refer to the Defender of rights. But it is not an authority that specifically controls prisons. Every person who feels prejudiced in his rights and liberty by an administration or a public service can refer to this authority. The Defender can help with the mediation; conduct its own inquiry when it is a question of reclamation regarding ethics of security, or make injunctions.

### **c. If the NPM exist, which type of the NPM is it (a separate body; a separate department within the National Human Rights Institution (NHRI)/Ombudsman's Office; NHRI or Ombudsman's Office itself; NHRI or Ombudsman's Office together with non-governmental organisations/experts; several separate bodies etc.)?**

The NPMs in France are two separate bodies. The General controller of the places of deprivation of freedom is an independent administrative authority and the Defender of Rights is an independent constitutional authority.

### **d. Are the mandate and powers of the NPM clearly set out in a constitutional or legislative text?**

Yes, the General controller of the places of deprivation of freedom was set up by the law n. 2007 – 1.545 of the 30 of October 2007 and the Defender of Rights was set up by the organic and the ordinary laws of the 29 of march 2011, this institution was inscribed in the Constitution in 2008.

### **e. Is the visiting mandate of the NPM extended to all places of deprivation of liberty?**

Yes, the General controller of the places of deprivation of freedom accesses to all places of deprivation of liberty. The Defender of Rights can also make inquiries, if necessary, inside this places.

### **f. Does the NPM have its own budget? If yes - please, indicate its annual amount. If not - please, specify how the NPM is financed.**

General controller of the places of deprivation of freedom: 4,04 M€ in 2013. Defender of Rights: 24,86 M€ in 2013. Both have budgetary autonomy. The funds are allocated by the government under the control of Parliament.

### **g. Does the NPM have its own staff? If yes, how many people are employed there, and what is their professional background? If not, please, specify who fulfils the duties of the NPM?**

They both have their own staff: 220 people for the Defender of Rights (mainly jurists) and 27 for the General controller of the places of deprivation of freedom (controllers with statutes of magistrate, civil servants, hospital practitioners, soldiers in secondment and officer non specialized in public right (even if they are in retirement); external consultants and administrative staff).

**h. Are there any other inspection and monitoring bodies dedicated to prisons, and if so what are they?**

Apart from these measures, a service of inspection, internal of the penitentiary administration, also exists. This service is competent for any lack of ethics. For that matter, when the Defender of the rights is given this sort of reclamation, it usually previously asks the inspection of the penitentiary services to make an inquiry that it completes if necessary.

## ILL-TREATMENT

**a. Who investigates prisoners' complaints of ill-treatment by prison staff or by other prisoners (inter-prisoner violence) in France (internal investigative body of the prison; external investigative body; prosecutor's office, etc.)?**

Prisoners' complaints of ill-treatment by prison staff or by other prisoners are handled by prosecutor's office or can be transferred to an investigate judge. In case of ill-treatment by prison staff, prisoners can also refer to the Defender of the rights who can conduct inquiries. But, in fact, few complaints lead to prosecution. Investigations conduct by the judicial authorities are succinct and it is difficult for prisoners to give evidence.

**b. Is it possible for a prisoner to appeal the decision of the investigative body? If yes - to whom?**

Yes, it is possible to appeal the decision of the prosecutor's office or the investigate judge to the Investigate Chamber of the Court of appeal.

**c. Are statistics available on the number of prisoner complaints of ill-treatment by the prison staff and by other prisoners (inter-prisoner violence)? If yes, please provide the numbers.**

No. Such statistics do not exist.

**d. Are statistics available on disciplinary/criminal proceedings initiated with regard to ill-treatment by the prison staff and by prisoners (inter-prisoner violence)? If yes, please provide the numbers.**

No. Such statistics do not exist. The only ones that exist are the number of observed aggressions between inmates : 8.861 in 2012.

**e. Are statistics available on the outcome of disciplinary/criminal proceedings with regard to ill-treatment by the prison staff and by prisoners (inter-prisoner violence)? If yes, please provide how many proceedings have resulted in disciplinary/criminal sanctions. If possible, please specify which kinds of sanctions (fines, suspended sentence, imprisonment, etc.) are most applied.**

No. Such statistics do not exist.

## EFFECTS OF THE ECONOMIC CRISIS

The economic crisis has had no impact on the annual budget of the prison administration. It is steadily increasing since 2008 (1,9 billion euros in 2008, 2,51 in 2013). However, most of the additional funds were allocated to increase the prison estate (construction of new prisons under public-private partnerships) rather than rehabilitation initiatives such as the development of activities in detention. However, the crisis has exacerbated the decline in labor supply provided by the private partners. Much of the work available for prisoners is industrial labour, a sector in decline in France, which was also hit by the crisis. The number of prisoners employed in the industrial sector has decreased by 9% since 2008. In addition, some training organizations, or associations involved in socio-cultural activities and education to health or pre-release activities suffered declines of subsidies. Prisoners and their families are also affected by the crisis (increasing precariousness). Beyond these issues, the impact of the crisis is felt at the political level. The Government highlights the context of fiscal restraint to turn down any proposal to improve conditions of detention or to take into account the relatives of prisoners (strengthening social protection of detainees, financial support to families to enable them to cope with the expenses, increased training etc.).



## MARIE CRÉTENOT, BARBARA LIARAS

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## OBSERVATOIRE INTERNATIONAL DES PRISONS - OIP-SF

The French section of the International Prison Watch (Observatoire international des prisons - OIP-SF) is a non-profit non-government organisation created in 1996 in order to promote respect for the human rights of incarcerated persons, with respect to the international human rights instruments. In concrete terms, the OIP collects and gives publicity to information on the conditions of detention in order to raise public awareness and alerts public authorities to the problems detected;

- informs imprisoned individuals about their rights and supports them in the procedures to enforce these rights;
- campaigns for the passing of laws and other appropriate measures to ensure guaranteed respect of prisoner's rights and favours limited use of incarceration, reduction of the penalty scale and development of alternatives to penal prosecution and non-custodial measures.



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